

SUMMARY SHEET

ORDINANCE NO. _____

ORDINANCE BY THE BOARD OF COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, ESTABLISHING POLICIES AND PROCEDURES AS REQUIRED BY CHARTER SECTION 5.23 FOR MAINTAINING THE CONTINUITY OF GOVERNMENT IN THE EVENT OF A DISASTER. SPONSORED BY COMMISSIONER WYATT BUNKER.

I. Description of Item

Pursuant to Ord. No. 361, an amendment to the Shelby County Charter was duly ratified by the electorate August 7, 2008, becoming effective September 1, 2008. The amendment, Charter Section 5.23, was added to Article V of the Shelby County Charter and provides a procedure for succession of authority and continuity of government in a disaster.

Moreover, Charter Section 5.23 (F) provides that within one year from the date Section 5.23 becomes effective, the board of county commissioners shall adopt an ordinance establishing policies and procedures for maintaining the continuity of government in the event of a disaster which shall include, but not be limited to, emergency powers; emergency procurement; records preservation; temporary relocation of the seat of county government, relocation of, and delivery of services to, citizens of Shelby County directly impacted by the disaster, and any other provisions necessary to ensure continuity of government and delivery of essential services to the citizens of Shelby County.

By passing this Item, the Commission fulfills its requirement under Charter Section 5.23 (F) to enact an ordinance by September 1, 2009 establishing policies and procedures for maintaining the continuity of government in the event of a disaster.

II. Source and Amount of Funding

Not applicable.

III. Contract Items

Not applicable.

IV. Additional Information Relevant to Approval of this Item

The proposed Ordinance references an attachment, Exhibit "A" to the Ordinance. Exhibit "A" is a Manual-- "Policies and Procedures for Maintaining the Continuity of Shelby County Government in the Event of a Disaster". The Manual is not a static document. Rather, even upon passage of the Ordinance the Manual would be a "working document" subject to ongoing revision (updated at least bi-annually per Sec. 4 of the Ordinance) that essentially encapsulates the COOP-COG Plans for Shelby County and other resource information helpful to maintain the continuity of government (COG) and continuity of operations (COOP) of Shelby County.

"Exhibit A" also includes two charts. Those charts are diagrams showing the order of succession in the event the County Mayor or Members of the Commission are unavailable in the event of a disaster, per Charter Section 5.23(B)—(D).

As a further reference, the full text of Charter Section 5.23 is attached to this Summary Sheet.

ARTICLE V. GENERAL PROVISIONS

Sec. 5.23 Succession of authority and continuity of government in a disaster.

A. As used in this section, except as otherwise specifically indicated, “disaster” shall be defined by the meaning of “disaster” and “emergency” as set forth in Tennessee Code Annotated § 58-2-101, which shall include, but not be limited to, enemy attack, sabotage, hazardous material incident, extraordinary fire, flood, storm, pandemic, epidemic or earthquake.

B. In the event of a disaster, notwithstanding Article III, Section 3.05 to the contrary, if the county mayor is temporarily unavailable or unable to perform the duties of office for any reason, the powers and duties of the office of county mayor shall be temporarily exercised and discharged in the following order based on the availability of the county official to serve as acting county mayor until the county mayor becomes available or a vacancy is declared and filled pursuant to Article III, Section 3.05 herein:

- (1) Chairman of the board of county commissioners.
- (2) Chairman *pro tempore* of the board of county commissioners.
- (3) Member of the board of county commissioners with the most consecutive years of service on the county commission. In the event more than one county commissioner has the same number of years of consecutive service, then:
 - (a) If a majority of the membership of the board of county commissioners is available, the county commissioners shall elect, by a majority vote, a chairman for the board of county commissioners to serve as acting county mayor; or
 - (b) If a majority of the membership of the board of county commissioners is unavailable, the county commissioner elected to the lowest district number, then lowest position number shall serve as acting county mayor.
- (4) Chief administrative officer of the county mayor’s administration.

C. In the event of a disaster, if the chairman and/or chairman *pro tempore* of the board of county commissioners is temporarily unavailable or unable to perform the duties of the office for any reason, the remaining county commissioners shall elect by a majority vote an interim chairman and/or chairman *pro tempore* to serve the remainder of the annual term for such officer or until the chairman and/or chairman *pro tempore* becomes available for duty.

D. In the event of a disaster, notwithstanding Article II, Section 2.05 herein, if a majority of the membership of the board of county commissioners is temporarily unavailable or unable to perform the duties of office for any reason, the powers and duties of the board

of county commissioners shall be temporarily exercised and discharged in the following order for a period of twenty-one (21) days, unless a majority of the county commissioners becomes available for duty:

(1) If less than a majority of county commissioners are available for duty, they shall have full authority to act in all legislative matters. Prior to the end of the twenty-one (21) calendar day period, the county commissioners shall by majority vote appoint interim county commissioners to serve until the county commissioners become available for duty or vacancies are declared and filled pursuant to Article II, Section 2.11 herein.

(2) If no county commissioners are available for duty, the county mayor or acting county mayor shall appoint one interim county commissioner from each county commission district to serve until the county commissioners become available for duty or vacancies are declared and filled pursuant to Article II, Section 2.11 herein.

E. All meetings of the board of county commissioners during a disaster shall be public and minutes of said meetings shall be taken and transcribed as the official records of the board of county commissioners.

F. Within one year from the date this section become effective, the board of county commissioners shall adopt an ordinance establishing policies and procedures for maintaining the continuity of government in the event of a disaster which shall include, but not be limited to, emergency powers; emergency procurement; records preservation; temporary relocation of the seat of county government; relocation of, and delivery of services to, citizens of Shelby County directly impacted by the disaster; and any other provisions necessary to ensure continuity of government and delivery of essential services to the citizens of Shelby County.

(Ord. 361, ratified by voters August 7, 2008, effective September 1, 2008)